

**CHIROPRACTIC EXAMINING BOARD
MADISON, WI
MINUTES
December 18, 2003**

PRESENT: Steven Conway, Susan Feith, Char Glocke, James Rosemeyer, James Weber

STAFF PRESENT: Kimberly Nania; Jacquelynn Rothstein; Legal Counsel, Gina York, Program Assistant, and Division of Enforcement and other staff

GUESTS: Ron Hermes, WPTA; Rachel Schraufnagel, WCA; Jeremy Levin, WI Medical Society; Louie Schubert, WAHP

CALL TO ORDER

James Rosemeyer, Chair, called the meeting to order at 8:02 a.m. A quorum of 6 members was present.

AGENDA

MOTION: James Weber moved, seconded by Char Glocke, to approve the agenda as written. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 13, 2003

MOTION: Susan Feith moved, seconded by Steven Conway, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Kimberly Nania, Bureau Director of Health Services, shared with the Board the problems still surrounding the October 16, 2003 minutes. Dr. Nania and Gina York have been trying to get the information from those who ran the meeting but the missing information has not yet been provided. Another reminder will be sent and we hope to have them at the January meeting for the Board's approval.

Kimberly Nania shared with the Board that there has been a reduction in meetings for 2004 for all Boards and that the Chiropractic Board approved theirs at the November meeting. Dr. Nania informed the Board that the January 8, 2004 meeting has been changed to January 22, 2004. In addition, a list of the screening dates were provided to the Board at today's meeting. The Board noted the changes indicated. Dr. Nania updated the Board that the Department is still working on the remodeling of the building and finalization of the floor plans. The work should be completed

sometime this year. In addition, Dr. Nania informed the Board that the Department is doing a time study with its staff to gather information on the amount of time spent on tasks by profession and board activities. This data will be used in the determining licensing fees. No changes have occurred at this time. Dr. Nania will keep the Board abreast of any future changes.

A question from Gail Pizarro, Office of Education and Examination, wanted to know if the Board Chair would be continuing greeting the new candidates. The Board wishes this to continue.

PRESENTATION OF PROPOSED STIPULATIONS

Jeannette Lytle, Legal Counsel, presented a proposed stipulation regarding Margaret Mertens, D.C. to the Board at today's meeting. This will be deliberated on later today in closed session.

PRESENTATION OF PROPOSED STIPULATIONS THAT MAY BE SIGNED AFTER MAILING OF AGENDA

There were not additional stipulations to be presented to the Board.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES JACQUELYNN ROTHSTEIN, LEGAL COUNSEL

Ms. Rothstein reviewed the report regarding any other pending court cases, disciplinary cases, administrative rules and press releases with the Board at today's meeting.

VETERINARY RULE CHANGES

The Board reviewed the rule changes submitted and took the following action.

MOTION: Susan Feith moved, seconded by James Weber, to table these rules until further notice. Motion carried unanimously.

SCOPE STATEMENT PERTAINING TO PROCEDURES CONCERNING CHEATING ON CREDENTIALING EXAMINATIONS

Informational. This was initiated by the Department to deal with the concerns which have arisen surrounding examinations and the use of advancement in technology which having increased the potential problems in this area.

DISCUSSION AND UPDATE OF SENATE BILL PERTAINING TO WCA LEGISLATION AND THE CHAIR TO GET PERMISSION TO REPRESENT THE BOARD AT FUTURE HEARINGS AND MEETINGS

James Rosemeyer provided a report to the Board on the status of the upcoming Senate bill pertaining to WCA legislation. Currently this is on hold and Senator Roesler and Representative Underheim asked that all Chiropractors and WCA to work out their differences and then to come back at that time. The Board will designate someone represent them at these meetings and hearings regarding this legislation. The Board took the following action.

MOTION: Char Glocke moved, seconded by Susan Feith, to designate the chair has the authority to represent the Chiropractic Examining Board at future meetings and hearings pertaining to the WCA pending legislation. Motion carried unanimously.

UPDATE ON RESPONSES RECEIVED ON THE CHIROPRACTIC RULES HEARING

Kimberly Nania, Bureau Director of Health Services, provided the Board with a copy of a written summary of responses to the Chiropractic Rules Hearing. Dr. Nania also had the response folder available to the Board to review if they wished. The Board inquired about the status of the Regulatory Digest. Currently, it is not being published in written form and is only posted on the DRL Website. The Board expressed concern about getting important information out to credential holders, especially regarding rules and important changes in their profession. Dr. Nania will share the Board's concern regarding the Regulatory Digest.

Jacquelynn Rothstein, Legal Counsel, informed the Board that the emergency rules are still in effect at this time, but the Board will need to make a decision at their January 2004 meeting.

RESPONSE TO RULES COMMENTS BARBARA SHOWERS

Informational. The Board felt that Barbara Showers synopsis of Part IV was very well done and expressed this to Dr. Showers at today's meeting.

PROCEDURES FOR REVIEW AND APPROVAL OF CONTINUING EDUCATION BARBARA SHOWERS

The Board discussed and reviewed the procedures for the approval of continuing education with Barbara Showers, Office of Education and Examination. Steven Conway was not available and did not participate during the Board's discussion of this process.

James Weber has been the board member designated to review CE courses and the volume of

course being submitted has greatly increased. Once reviewed by Dr. Weber the material is then sent back to the Department and due to the size of material being returned the cost the cost has become quite significant for Dr. Weber and must be impacting on the Department's budget as well. The most areas of concern are the philosophy and xray ones and are the major of the problem courses. In April if a course is PACE approved it will be identified with a PACE sticker. After some discussion it was agreed that Dr. Weber will continue to review CE courses over the next six months and update the Board on the volume and any concerns that may come up during this period.

PRECEPTOR APPROVAL

There were two preceptors before the Board for approval. They were Melissa Kolb and Galen R. Scharer II.

MOTION: Susan Feith moved, seconded by James Weber, to approve all preceptors presented before the Board on 12/18/03. Motion carried unanimously.

PRECEPTOR APPROVAL FOR REQUESTS RECEIVED ATER THE PRINTING OF THE AGENDA

None.

MORAINES PARK TECHNICAL COLLEGE

The Board discussed the Moraine Park Technical College (MPTC) which was reviewed by James Weber and appeared to be acceptable and to have a good course outline. According to WCA this sponsor has been approved in the past. Steven Conway was not available and did not participate during the Board's discussion.

MOTION: James Weber moved, seconded by Char Glocke, to approve the Moraine Park Technical College (MPTC) program for Chiropractic Assistant level courses. Steven Conway – Abstained. Motion carried unanimously.

There was a lengthy discussion regarding instructor's qualifications and CA delegation. The Board took the following action.

MOTION: Susan Feith moved, seconded by Char Glocke, to develop a scope statement regarding the qualifications of instructors for teaching courses didactic instruction for unlicensed persons. Motion carried unanimously.

CORRESPONDENCE AND PHONE INQUIRIES BY LEGAL COUNSEL

Jacquelynn Rothstein, Legal Counsel, stated she did not have any correspondence or inquiries to present to the Board.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Jacquelynn Rothstein, Legal Counsel as needed through out the meeting.

INFORMATIONAL ITEMS

Noted.

VISITOR COMMENTS

None.

CLOSED SESSION

MOTION: Steven Conway moved, seconded by James Weber, to adjourn to closed session pursuant to Wisconsin state statutes 19.85(1)(a)(b)(f) and (g) to consult with Legal Counsel regarding the Suit by WCA, deliberate on proposed stipulations, deliberate on proposed administrative warnings, deliberate on monitoring issues, application review, monitoring report and DOE case status reports. Motion carried by roll call vote: Steven Conway-yes; Susan Feith-yes; Char Glocke-yes; James Rosemeyer-yes; and James Weber-yes.

Open Session recessed at 9:48 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Steven Conway moved, seconded by James Weber, to reconvene into Open Session at 11:23 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

CONSULTING WITH LEGAL COUNSEL REGARDING THE SUIT BY WCA AGAINST THE EXAMINING BOARD

Jacquelynn Rothstein, Legal Counsel, provided a copy of a reply brief to the Board regarding the WCA lawsuit. Attorney Rothstein will contact Bruce Olson to the next Board meeting scheduled for January 22, 2004. Attorney Rothstein will continue to keep the Board abreast of the status of this case.

MONITORING
REVIEW OF DOCUMENTS

ROBERT CARPENTER, D.C.

MOTION: Steven Conway moved, and seconded by James Weber, to refer Robert Carpenter, D.C. to the Division of Enforcement for a potential violation of the Board order. Motion carried unanimously.

RICHARD HORAITIS, D.C.

MOTION: James Weber moved, and seconded by Steven Conway, to request monitoring to obtain the entire manual required by his order and additional information regarding Richard Horaitis, D.C. Motion carried unanimously.

STIPULATIONS

MARGARET MERTENS, D.C.

MOTION: Char Glocke moved, and seconded by Susan Feith, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Margaret Mertens, D.C. Motion carried unanimously.

ENDORSEMENT APPLICATION REVIEW

BARBI A. GETTEL, D.C.

MOTION: James Weber moved, and seconded by Steven Conway, to approve the application by endorsement for Barbi A. Gettel, D.C. Motion carried unanimously.

GARY A. KOVALSKY, D.C.

MOTION: Susan Feith moved, and seconded by Char Glocke, to approve the application by endorsement for Gary A. Kovalskyl, D.C. Motion carried unanimously.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

- MOTION:** Susan Feith moved, seconded by James Weber, to close case **03 CHI 012** for P2. Motion carried unanimously.
- MOTION:** Susan Feith moved, seconded by James Weber, to close case **03 CHI 018** for P2. Motion carried unanimously.
- MOTION:** James Weber moved, seconded by Steven Conway, to postpone case **03 CHI 020** to the January 2004 meeting. Motion carried unanimously.
- MOTION:** Susan Feith moved, seconded by James Weber, to close case **03 CHI 034** for P2. Motion carried unanimously.
- MOTION:** Susan Feith moved, seconded by James Weber, to close case **03 CHI 037** for P2. Motion carried unanimously.
- MOTION:** Susan Feith moved, seconded by James Weber, to close case **03 CHI 038** for P2. Motion carried unanimously.
- MOTION:** James Weber moved, seconded by Char Glocke, to close case **02 CHI 038** for insufficient evidence. Motion carried unanimously.

OTHER BOARD BUSINESS

DOC TOUR OF PRISONS

The Board discussed and felt it is not necessary for someone from the Chiropractic Board to attend the DOC prison tour.

ADJOURNMENT

- MOTION:** Char Glocke moved, seconded by Steven Conway, to adjourn the meeting at 11:28 a.m. Motion carried unanimously.

Next Meeting:
*Thursday,
January 22, 2004
8:00 a.m.*